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November 10, 1999

Magalie Roman Salas, Secretary
Federal Communications Commission
445 Twelfth Street, SW
TW-A325
Washington, DC 20554

Re: **Ex Parte Presentation**
WT Docket No. 94-102

Dear Ms. Salas:

BellSouth Corporation hereby urges the Commission to refrain from further modification of its cost recovery rules governing wireless enhanced 911 ("E911") implementation. As discussed in BellSouth's September 14, 1999 comments on the Consensus Report, there has been substantial progress regarding Phase I E911 implementation. Implementation efforts have continued since submission of these comments. For example:

- **Louisiana** — a phased-in plan to Phase I E911 implementation has been established by statewide public safety answering points ("PSAPs");
- **Florida** — Although legislation existed at the time BellSouth's comments were filed, a state E911 Board has since been established and discussions have commenced regarding Phase I implementation.

The status of E911 implementation is rapidly changing. BellSouth remains committed to the deployment and implementation of E911 technology and urges the Commission to refrain from modifying its E911 cost recovery rules at this time. Cost recovery legislation has been adopted in all of the states in which BellSouth operates and this legislation provides for revisiting cost recovery for Phase II implementation. The Commission should not take any action that encourages states with cost recovery legislation to eliminate cost recovery for Phase I or Phase II implementation.

Respectfully submitted,



Jim O. Llewellyn

cc: Thomas Sugrue
Ari Fitzgerald
Peter A. Tenhula
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ORIGINAL

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BEFORE THE
Federal Communications Commission
WASHINGTON, DC 20554

SEP 14 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Revision of the Commission's Rules to Ensure)
Compatibility with Enhanced 911 Emergency)
Calling Systems)

Commission Seeks to Facilitate Wireless E911)
Implementation and Requests a Report)

CC Docket No. 94-102

FCC 99-132

To: Chief, Wireless Telecommunications Bureau

COMMENTS

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September 14, 1999

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SUMMARY

BellSouth Corporation ("BellSouth") supports the Commission's efforts to facilitate the deployment of E911 capabilities, and urges the Commission not to alter the E911 implementation process. In addition, BellSouth requests that the Commission offer federal E911 liability protection to commercial mobile radio service ("CMRS") providers, and clarify that CMRS providers are entitled to choose the method for implementing Phase I E911 solutions.

Although Phase I E911 systems have not been deployed as rapidly as the Commission had hoped, the delay was inevitable due to the many time consuming steps associated with implementation. Before CMRS providers offer Phase I E911, legislation must be drafted and passed, a process which is often hindered by the fact that many state legislatures meet for only a few months every year or two. Passage of this legislation has been delayed in many states by substantial opposition to proposals that establish E911 cost recovery mechanisms and liability protections. Once legislation is passed, E911 implementation rules must be developed and implemented at either the state or local level. In many states, it has taken more than one year after enactment of E911 legislation to adopt these rules.

A majority of states now have E911 legislation in place, and most of these states are completing the steps necessary to implement E911. As a result, CMRS providers are actively working with PSAPs to deploy Phase I systems in these states. In the ten states where BellSouth operates and implementation rules have either been adopted or will be adopted soon, more than 100 PSAPs have requested Phase I information. BellSouth is currently in the process of implementing each of these requests. Accordingly, Commission action is not currently necessary to spur Phase I deployment. In fact, if the Commission were to revise its E911 rules at this time, it should only establish federal liability protections for CMRS providers. Any other modifications may delay deployment of Phase I because states may be required to revise proposed legislation and existing laws to comport to the new FCC rules.

While the Commission should not alter the E911 implementation process, it should clarify that the choice of E911 technology resides with CMRS carriers. BellSouth has worked closely with state public safety agencies on E911 implementation and, to date, there have been no delays in Phase I implementation arising from disputes over technology choices. To avoid future disputes, however, the Commission should clarify that CMRS providers are entitled to choose the Phase I technology to deploy. Permitting PSAPs to choose the E911 technology would be unworkable because it likely would result in CMRS providers facing requests from multiple PSAPs to deploy different Phase I technologies. This approach is inconsistent with the public interest because it is substantially more costly and time consuming for a carrier to deploy multiple solutions than is required for the deployment of a single technology.

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BEFORE THE
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WASHINGTON, DC 20554

In the Matter of)	
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Calling Systems)	
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Commission Seeks to Facilitate Wireless E911)	FCC 99-132
Implementation and Requests a Report)	

To: Chief, Wireless Telecommunications Bureau

COMMENTS

On June 9, 1999, the Wireless Telecommunications Bureau ("Bureau") issued a *Public Notice*¹ soliciting a report regarding the status of enhanced 911 ("E911") implementation from parties to the Consensus Agreement in this docket and encouraging other interested parties to consider the issue. *Public Notice* at 1, 7. The parties to the Consensus Agreement filed their report ("Consensus Report") on August 9, 1999, and four interested parties filed comments directly in response to the *Public Notice*.² On August 16, 1999, the Bureau issued an additional *Public Notice*³ seeking comment on the Consensus Report from interested parties. BellSouth Corporation

¹ *Commission Seeks to Facilitate Wireless E911 Implementation and Requests a Report*, CC Docket No. 94-102, *Public Notice*, FCC 99-132 (June 9, 1999) ("*Public Notice*").

² Comments were filed by the King County E911 Program, AT&T Corp., Omnipoint Communications, Inc., and SCC Communications Corp.

³ *Wireless Telecommunications Bureau Requests Comment on Wireless E911 Report Filed by CTIA, PCIA, APCO, NENA, and NASNA on August 9, 1999*, CC Docket No. 94-102, *Public Notice*, DA 99-1627 (August 16, 1999) ("*Second Public Notice*").

("BellSouth") has been an active participant both before the FCC in this docket and before state legislatures with respect to E911 legislation. As an interested party, BellSouth hereby submits comments on the status of Phase I implementation in the states where it offers wireless services. In addition, BellSouth urges the Commission to affirm its position on cost recovery, clarify that CMRS providers are entitled to choose the method for implementing Phase I solutions, and offer federal E911 liability protection to CMRS providers.

BACKGROUND

On June 12, 1996, the Commission adopted rules requiring commercial mobile radio service ("CMRS") licensees to provide callers with access to E911 services.⁴ These rules require CMRS licensees to provide E911 services in two stages, assuming that certain prerequisites are satisfied.⁵ Initially, Phase I requires CMRS licensees to provide the location of the cell site receiving the 911 call and the subscriber's mobile phone number for call back purposes.⁶ Eventually, CMRS providers may be requested by the Public Safety Answering Point ("PSAP") to upgrade to Phase II E911 which requires CMRS providers to provide PSAPs with the "location of [the 911 caller] within a radius of 125 meters using root mean square ('RMS') techniques."⁷ A CMRS carrier is only required to provide Enhanced 911 information (either Phase I or Phase II), however, if (i) the administrator of the designated PSAP has requested the wireless E911 service and is capable of using

⁴ *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102, *Report and Order and Further Notice of Proposed Rulemaking*, 11 F.C.C.R. 18676 (1996) ("E911 Report and Order").

⁵ 47 C.F.R. §§ 20.18(d), (e).

⁶ 47 C.F.R. § 20.18(d).

⁷ 47 C.F.R. § 20.18(e).

the information, and (ii) a mechanism is in place for wireless carriers to recover the costs of implementing E911 service.⁸

I. MOST STATES HAVE ADOPTED E911 LEGISLATION ESTABLISHING COST RECOVERY MECHANISMS, BUT IT HAS BEEN A TIME CONSUMING PROCESS

Prior to the adoption of the Commission's E911 rules, the CMRS industry generally supported adoption of a uniform, federal mechanism for recovering E911 implementation costs.⁹ The industry also urged the Commission to exempt wireless carriers from liability associated with 911 calls in the same manner that wireline carriers are exempted.¹⁰ Rather than adopt these proposals, however, the Commission deferred to the states with respect to the adoption of cost recovery mechanisms and liability protections.¹¹ The Commission theorized such an approach was preferable to the adoption of a single federal cost recovery model because states were likely to develop diverse and innovative cost recovery mechanisms.¹²

In its *Public Notice* released on June 9, 1999, the Commission expressed concern that its approach has resulted in unforeseen delays in Phase I E911 implementation.¹³ The delays associated with Phase I implementation should not be surprising, however, because the adoption and implementation of state legislation is a difficult and time consuming process. In the landline context, for example, only 89% of wireline telephones had access to basic service nearly 30 years after the

⁸ 47 C.F.R. § 20.18(f).

⁹ See *E911 Report and Order*, 11 F.C.C.R. at ¶¶ 85-90.

¹⁰ See *E911 Report and Order*, 11 F.C.C.R. at ¶¶ 91-101.

¹¹ See *E911 Report and Order*, 11 F.C.C.R. at ¶¶ 89-90, 99-101.

¹² *E911 Report and Order*, 11 F.C.C.R. at ¶ 89.

¹³ *Public Notice* at 4 (indicating that "the flexibility we gave to the parties has not produced the prompt implementation we envisioned.").

introduction of wireline 911 service. It simply was unreasonable to expect wireless E911 services to be universally deployed within 18 months.¹⁴

The State of Alabama is a successful example of the implementation of wireless E911 services in a reasonable timeframe. *See* Attachment 1. In Alabama, it took less than three years from adoption of the FCC's E911 rules to adopt and implement E911 legislation and begin providing Phase I service to requesting PSAPs. The entire implementation process commenced a mere four months after the adoption of the FCC's E911 rules when BellSouth and other wireless providers met with Public Safety Officials to discuss the process of implementation. Over the next year, public safety officials, the CMRS industry, and LECs actively worked to identify implementation issues and to draft E911 legislation. As a result of this cooperative effort, E911 legislation was enacted within two years of adoption of the FCC's E911 rules. Once the legislation was passed, it took approximately one year to (i) appoint the state wireless 911 board, (ii) adopt implementation and cost recovery rules, (iii) begin the collection of the E911 surcharges for the cost recovery fund, and (iv) commence implementation of Phase I E911 to PSAPs in several counties.

In many states, however, the implementation process has not been as successful as in Alabama. Although BellSouth developed model bills and facilitated agreements between CMRS carriers and public safety organizations on proposed language in every state in which it provides CMRS, there is only a narrow timeframe every year within which to get legislation introduced and passed. Most state legislatures meet for only a few months each year — some only meet every other year. Draft legislation generally must be finalized 2-3 months *before* the start of a legislative session in order to secure sponsors. E911 implementation also has been delayed in many states by substantial opposition to legislative proposals that establish E911 cost recovery mechanisms and

¹⁴ *See* Comments of Omnipoint Communications, Inc. at 5.

liability protections. Most of the opposition to the adoption of cost recovery mechanisms results from the view that these mechanisms are merely a new, unnecessary tax. Although BellSouth and public safety representatives secured sponsors for draft legislation and successfully lobbied for the eventual passage of E911 legislation in each of the states in which it provides CMRS, the process was totally dependent on the legislative agenda in each state. *See Attachments 2 & 3.*

Moreover, the implementation process does not end with the passage of E911 legislation. Once this legislation is passed, E911 operations and cost recovery rules must be developed and implemented at either the state or local level. It has taken more than one year after enactment of E911 legislation to adopt these rules in many states. *See Attachment 2.* To ensure that the funds provided by the surcharges are managed correctly, and to facilitate the development and implementation of state 911 rules, most E911 legislation also calls for the establishment of wireless E911 boards to oversee cost recovery and handle related administrative issues. These boards are critical to the implementation of E911 services and BellSouth and other wireless carriers actively participate on many of the boards. However, the time associated with organizing these boards and establishing membership is another factor that contributes to the timeframe required to implement wireless E911.

Technological challenges offer further hurdles to CMRS providers seeking to implement E911. Although BellSouth has tested or been involved in tests of three different E911 location systems, none of the equipment tested conclusively meets the Commission's E911 accuracy requirements. Specific tests performed by BellSouth did not meet the 125 meter accuracy requirement, and many calls were not located at all. Despite vendor claims to the contrary, location systems are unable to satisfy the FCC's requirements for locating callers within central parts of large

buildings, such as office buildings, shopping malls, and parking garages. In addition, network-based location equipment cannot accurately track cellular repeaters or certain types of microcells.

In sum, Phase I implementation is proceeding at a reasonable and timely pace considering the complexity of the process. There is no need to revise the Phase I implementation requirements at this time.

II. STATUS OF PHASE I IMPLEMENTATION

More than thirty states have enacted E911 legislation to date, including the twelve states in which BellSouth provides CMRS. Most of these states are currently in the process of adopting rules implementing the legislation. Of the twelve states in which BellSouth operates CMRS systems, five have adopted statewide rules implementing the E911 legislation. Five other states are expected to adopt rules in the next month or so and two (Louisiana and Georgia) will develop rules at the local rather than state level. *See Attachment 2.* Thus, all twelve states should have statewide or local rules in place by the fall.

In the ten states where BellSouth operates and implementation rules have either been adopted or will be adopted soon, more than 100 PSAPs have requested Phase I information. BellSouth is currently in the process of implementing each of these requests. As part of this process, BellSouth is implementing PSAP requests for Phase I even in states where E911 legislation has passed, but final implementation rules have not yet been adopted.

The pace of implementation is likely to increase rapidly as additional states finalize E911 implementation rules. Thus, the benefits of Phase I should become increasingly available to the public over the coming year. This information will enhance public safety by improving the ability of PSAPs to locate callers in emergency situations. Because E911 legislation has been passed in most states, a large majority of PSAPs are entitled to Phase I information within six months of

requesting information from CMRS carriers, assuming they have made the necessary modifications to their own systems. BellSouth is committed to complete implementation in less than the six months authorized by the FCC rules, whenever possible.

BellSouth encourages PSAPs to request Phase I information from carriers as soon as E911 legislation is passed and the rules implementing the legislation have been adopted. Phase I is not merely a stop-gap solution until Phase II systems have been implemented. Instead, Phase I systems will provide an important safety net to Phase II systems.¹⁵ The Commission has recognized that Phase II systems will not be capable of supplying location information for all calls.¹⁶ In these situations, Phase I can be provided to PSAPs. Accordingly, Phase I systems should not be bypassed in favor of deploying Phase II systems at some future time. It would be unfortunate if a PSAP bypassed the implementation of a Phase I system capable of supplying location information for all calls in favor of a Phase II system that provided more detailed location information for most calls, but *no* location information for other calls. Such a result would needlessly jeopardize public safety.

¹⁵ See *Wireless Telecommunications Bureau Requests Targeted Comment on Wireless E911 Phase II Automatic Location Identification Requirements*, 94-102, *Public Notice*, DA 99-1049 (June 1, 1999) ("*Targeted Public Notice*") (noting that several parties contend that Phase I can be used as a fall-back in situations where Phase II information is unavailable).

¹⁶ The Commission specified that Phase II requires carriers to have the "capability to identify the latitude and longitude of a mobile unit making a 911 call, within a radius of no more than 125 meters in 67 percent of all cases." *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102, *First Report and Order and Further Notice of Proposed Rulemaking*, 11 F.C.C.R. 18676, 18712 (1996) ("*E911 Report and Order*"); *Memorandum Opinion and Order*, 12 F.C.C.R. 22665, 22726 (1997) ("*E911 MO&O*") (emphasis added). Thus, the more accurate location information associated with Phase II may be unavailable in some cases. See also *Targeted Public Notice*.

III. THE COMMISSION SHOULD NOT ALTER THE E911 IMPLEMENTATION PROCESS

As the Bureau recognizes, the implementation of E911 depends upon the cooperative efforts of carriers and state or local 911 authorities. *See Public Notice* at 3. For the most part, these entities have been actively working together toward Phase I implementation. The lag time associated with Phase I implementation is largely the result of the many steps that must precede implementation. For example, E911 legislation must be passed, rules implementing the legislation must be developed and implemented, and oversight boards generally must be established before carriers are compelled to implement Phase I. To date, CMRS carriers and public safety officials have generally worked together to expedite this process and move forward with Phase I implementation in a timely manner.

Despite the initial delay associated with adoption of E911 legislation, more than thirty states have now adopted such legislation, including every state in which BellSouth provides CMRS. In many cases, however, rules implementing the relevant legislation remain pending or were only adopted in the last few months. Thus, the preconditions for the provision of Phase I are just now being satisfied and CMRS carriers are currently in the process of implementing PSAP requests for Phase I.

Given the considerable progress in Phase I implementation, the Commission generally should refrain from modifying its E911 rules at this time. If the FCC were to commence a proceeding to modify the E911 implementation process, state legislatures and E911 boards may delay action on pending legislation and rules until the FCC proceeding is concluded. Additionally, new FCC requirements would likely require existing state laws and rules to be modified to conform to the new requirements. For example, many states have established the amount of surcharges to be assessed subscribers for the E911 cost recovery funds. If the FCC adopted detailed cost recovery rules, these

surcharges may have to be changed. Moreover, if the need for state cost recovery funds was eliminated by the creation a federal fund, numerous disputes regarding existing state funds would arise.

The majority of the parties to the Consensus Agreement agree that the Commission should not modify its cost recovery rules at this time. CTIA and NENA each state in separate Addenda to the Consensus Report that Commission inquiry into such a key element of the E911 rules risks freezing ongoing implementation efforts and jeopardizes successful arrangements that are already in place.¹⁷ NASNA agrees that current FCC cost recovery rules "permit the parties and the process to work appropriately...and should not be modified at this time."¹⁸

Only APCO believes that the Commission should modify its cost recovery rules. Specifically, APCO believes that the Commission should implement a "bill and keep" cost recovery approach in which carriers recover their costs from their own subscribers.¹⁹ Such a change of approach in mid-stream would jeopardize current implementation progress, as discussed above. In addition, an approach that bifurcates cost recovery into CMRS and PSAP components, with CMRS carriers recovering their own costs through "bill and keep," and PSAPs recovering costs through state legislation, forces poorly-funded PSAPs to shoulder the burden of advocating E911 legislation without the support of CMRS carriers. To date, the greatest success in implementing E911 has been achieved when CMRS carriers and PSAPs have worked together to fund legislative and other

¹⁷ See NENA Addendum Regarding Cost Recovery at 2; CTIA Addendum Regarding Cost Recovery at 1-2.

¹⁸ See NASNA Addendum Regarding Cost Recovery.

¹⁹ See APCO Addendum Regarding Cost Recovery at 2.

solutions. Clearly, the divisive approach advocated by APCO would not further the goal of rapid E911 deployment.

While changing the cost recovery rules would delay implementation of E911, both CMRS providers and PSAPs agree that the FCC could expedite the implementation of E911 by changing its approach toward liability protection. Specifically, implementation would be accelerated if the FCC granted CMRS providers E911 liability protection comparable to that offered wireline carriers.²⁰ State cost-recovery legislation has been complicated, and even killed, by the need to address limitations on liability, thereby delaying E911 implementation. Furthermore, extending such liability protection to CMRS providers would be consistent with the Commission's goal of fostering wireless as a competitor to wireline service. CMRS providers who must recover the substantial cost of private liability insurance are at a competitive disadvantage when competing with wireline carriers, who are afforded 911 liability protection.

Thus, with the exception of the adoption of liability protections, the FCC should not modify the E911 implementation process at this time. BellSouth encourages the Commission, however, to continue efforts to further educate PSAPs. SCC suggests that the failure of some PSAPs to request Phase I implementation may stem in part from misinformation regarding the requirements of such implementation.²¹ It is clear that the day-to-day operational demands on most PSAP managers, as well as on the managers of smaller wireless systems, typically do not allow sufficient time to develop expertise or stay current with the latest E911 developments and changes. For this reason, BellSouth supports further educational efforts and FCC forums to inform PSAPs on E911 obligations and issues.

²⁰ See Consensus Report at 12.

²¹ See Comments of SCC Communications Corp. at 7.

IV. THE COMMISSION SHOULD CLARIFY THAT THE CMRS PROVIDER IS ENTITLED TO CHOOSE THE METHOD FOR IMPLEMENTING PHASE I SYSTEMS

In addition to delays associated with adoption of legislation, the Bureau indicates that Phase I implementation is being delayed by disputes between PSAPs and CMRS carriers over the technology to be deployed to satisfy Phase I. *Public Notice* at 5-6. As stated above, BellSouth has worked closely with state public safety agencies on E911 implementation and, to date, there have been no delays in Phase I implementation due to disputes over technology choices. To avoid future disputes, however, BellSouth agrees with commenters who assert that the Commission should clarify that CMRS carriers are entitled to choose the Phase I technology to deploy, provided the solution establishes acceptable interfaces for PSAPs.²²

As the Bureau recognizes, it is reasonable for CMRS carriers to deploy a single Phase I solution. *Public Notice* at 6. Phase I implementation requires a significantly higher degree of integration with a CMRS carrier's infrastructure and operation than with any other aspect of the 911 system, including the PSAP.²³ Accordingly, CMRS carriers typically adopt an E911 technology that is closely integrated with their operating environment. Although PSAPs have sought the right to select the Phase I technology implemented in their various jurisdictions because of concerns that certain technologies will not be compatible with their systems, field tests have demonstrated that allowing wireless carriers to choose the method of implementing Phase I need not interfere with PSAPs' desire for compatibility.²⁴

²² See Comments of SCC Communications Corp. at 4; Comments of AT&T at 4-7.

²³ See Comments of SCC Communications Corp. at 4.

²⁴ See Comments of AT&T Corp. at 3, 5.

In addition, PSAP selection of Phase I technologies likely would result in CMRS providers facing requests from multiple PSAPs to deploy different Phase I technologies. This approach is inconsistent with the public interest because more time is required for a carrier to deploy multiple solutions than is required for the deployment of a single technology. Thus, Phase I implementation would be delayed further. This approach also is inconsistent with the public interest because it would dramatically increase the cost of Phase I implementation.²⁵

Allowing CMRS providers to choose the method for implementing Phase I would result in more rapid and less costly implementation, without negatively impacting the PSAPs' desire for compatibility. Accordingly, the Commission should expressly reject claims that PSAPs are entitled to select the Phase I technology that CMRS providers must deploy.

CONCLUSION

BellSouth supports the Commission's efforts to facilitate the deployment of E911 capabilities. Although Phase I systems have not been deployed as rapidly as the Commission had hoped, the delay was inevitable due to the many time consuming steps associated with implementation. Most of these steps have been completed in a majority of states and most states now at least have E911 legislation in place. As a result, CMRS carriers are actively working with PSAPs to deploy Phase I systems in these states. Accordingly, Commission action is not currently necessary to spur Phase I deployment. In fact, if the Commission were to revise its E911 rules at this time, it should only establish federal liability protections for CMRS providers. Any other modifications may

²⁵ Contrary to APCO's assertion that carriers may select expensive technologies in order to "gold-plate" their costs and avoid E911 implementation, wireless carriers seek to deploy a single technology of their choice in order to control costs. See APCO Addendum Regarding Cost Recovery at 3.

delay deployment of Phase I because states may be required to revise proposed legislation and existing laws to comport to the new FCC rules.

Finally, the Commission should clarify that the choice of E911 technology resides with CMRS carriers. Permitting PSAPs to choose the E911 technology would be unworkable because it likely would result in CMRS providers facing requests from multiple PSAPs to deploy different Phase I technologies.

Respectfully submitted,

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September 14, 1999

ATTACHMENT 1

Alabama – a successful case study

JUL 96	FCC issues order
NOV 96	Initial meeting held between CMRS providers and PSAP officials in Mobile, AL.
FEB 97	Joint Legislative Drafting team formed. Team is ad hoc and has no legal standing, but has support of Governor's office, municipal league, and industry.
FEB 97	Phase 1 requests are received from several PSAPs.
MAY 97	Legislature adjourns. PSAPs and CMRS industry were unable to agree on composition of state board, amount of surcharge, cost of Phase 1, allocation of surcharge, and liability. ¹
AUG 97	Joint Legislative Drafting team reconvenes. ²
SEP 97	LEC pursues business case on Phase 1 opportunities. Technical teams analyze various CAS and NCAS options, eventually choosing a hybrid solution. (Several CMRS providers eventually choose the LEC solution.)
DEC 97	Agreements reached on all issues. Legislative sponsors, jointly selected by industry and PSAPs, prefile bill.
APR 98	Bill passes both Houses and is VETOED by Governor.
APR 98	Governor's veto is overridden
APR 98	All Phase 1 requests have been rescinded, due primarily to the fact that none of the PSAPs yet have funds to pay for the service.
MAY 98	Fee is placed on bills mailed after May 1.
JUN 98	In anticipation of Phase 1 business, LEC begins taking non-upgradeable tandem switches out of service, rehome traffic to other switches, and ordering software upgrades to handle Phase 1. At this point, LEC has no firm commitments from CMRS customers. ³
JUL 98	Governor approves appointments to state wireless 911 board
AUG 98	First board meeting. ⁴
SEP 98	First funds are received by state.
SEP 98	LEC begins upgrade of 911 tandem switches throughout the state to handle Phase 1 via a hybrid solution. LEC still has no CMRS customers.
JAN 99	Board is responsible for drafting cost recovery and funds distribution procedures. Efforts are made to coordinate Phase 1 rollout to gain efficiencies.
JAN 99	LEC Phase 1 product tariff is approved. All LEC switches except Birmingham have now been upgraded. LEC has no CMRS customers.
MAY 99	Board approves cost recovery rules. ⁵
MAY 99	First CMRS Phase 1 service turned up in several counties (using LEC hybrid solution). LEC has its first CMRS customer.

¹ Most 911 legislation was viewed as a tax increase and faced substantial opposition from the start. Potential sponsor indicated that the legislature would not have passed tax increase under any circumstances. Justification of the dollar amount required detailed estimates of Phase 1 costs. Such costs were not available until fairly recently.

² Legislation generally must be finalized a few months before start of a session to allow time to secure sponsors

³ LECs do not receive revenues directly from the state fund. LECs receive their revenues from those CMRS carriers, if any, which choose to use the LEC solution. There is no guarantee that LECs will recover any of their costs.

⁴ The formation of the board in Alabama took four months from the time the legislation passed. This is faster than average.

⁵ The promulgation of cost recovery rules in Alabama took nine months from the time the board started meeting. This is somewhat faster than average.

ATTACHMENT 2

Wireless E9-1-1 Legislative and Implementation Summary
BellSouth Cellular Corp – Cellular and PCS Markets

S t a t e	Wireless E-911 Legislation & Date Eff.	Eff. Date of Fee Collection	Fee & % That Goes To Wireless	Cost Recovery Rules Est. & Date Eff. ¹	Is BellSouth Phase I Compliant ² ?	Number of PSAPs Making Phase I Requests Meeting FCC Preconditions ³ ?	Number of PSAPs implemented or in Process of Being Implemented	Comments
A L	Yes 5/1/98	5/1/98	\$.70 44%	Yes 4/22/99	Yes	17	17	
A R	Yes 7/1/97	8/1/97	\$.50/58% in a pool shared with PSAPs	Yes	Yes	0 – See comments	0	PSAPs have delayed implementation until Southwestern Bell has installed its routing solution.
F L	Yes 7/1/99	8/1/99	\$.50 54%	No- To be completed within the next month	Yes	0	0	
G A	Yes 7/1/98	Not before 11/1/98 local option	Up to \$1.00 30% PH1 30% PH2	Yes – local option	Yes	28	28	
I N	Yes 3/13/98	5/1/98	\$.65 41%	Yes - 8/98, now under revision	Yes	22	26	Phase I was implemented in 4 counties prior to receipt of written requests
K Y	Yes 4/1/98	8/15/98	\$.70 50%	No-To be completed within the next month	Yes	0	2	Phase I is being implemented in two counties prior to formal cost recovery rules.
L A	Yes	9/1/99	\$.85 up to 100%	Yes - local option	Yes	5	5	
S	Yes 4/13/98	5/1/98	\$1.00 30%	No-To be completed within the next month	Yes	0	0	

Wireless E9-1-1 Legislative and Implementation Summary BellSouth Cellular Corp – Cellular and PCS Markets

S t a t e	Wireless E-911 Legislation & Date Eff.	Eff. Date of Fee Collection	Fee & % That Goes To Wireless	Cost Recovery Rules Est. & Date Eff. ¹	Is BellSouth Phase I Compliant ² ?	Number of PSAPs Making Phase I Requests Meeting FCC Preconditions ³ ?	Number of PSAPs implemented or in Process of Being Implemented	Comments
N C	Yes 10/1/98	10/1/98	\$.80 60%	Yes – interim	Yes	19	19	
S C	Yes 8/1/98	11/1/98	\$.55 57%	Yes 5/1/99	Yes	7	7	
T N	Yes 5/20/98	No later than 8/20/99	\$.85 25%-PSAPs; Percentage to wireless undetermined.	No; To Be completed within the next month	Yes	0	3	
T X	Yes 9/1/97	9/1/97	\$0.50	No; To Be completed within the next month	Yes	1	1	

¹ See State Profiles for further discussion of cost recovery and implementation rules.

² A Phase I compliant carrier is any carrier, that in response to a PSAP request meeting the required FCC preconditions, can deliver Phase I in the time and manner required in FCC Docket No. 94-102.

³ FCC Docket No. 94-102, *Commission Seeks to Facilitate Wireless E911 Implementation and Requests a Report*, states: "A carrier, however, is not required to implement E911 services unless two conditions are met: (1) that the carrier has received a request for service from a PSAP capable of receiving and utilizing the data, and (2) that a mechanism for recovering the costs of the service is in place." See also, 47 C.F.R. Section 20.18 (f).

ATTACHMENT 3

Wireless E911 STATE PROFILES

BellSouth Cellular Corp – Cellular and PCS Markets

ALABAMA

Phase 1 Implementation Status

Phase 1 service is now available or in the process of implementation in numerous PSAPs throughout the state from some carriers.

Cost Recovery Mechanism

Alabama has imposed a \$0.70 per month per subscriber E911 surcharge on wireless customers.

Choice of Technology Issues

None at this time.

Other Issues

None at this time.

History

In 1998, the Alabama Legislature passed CMRS industry- and PSAP-supported legislation establishing a wireless E911 surcharge of 70 cents. Carriers were authorized to begin collecting the surcharge in May of that year. Other provisions of the legislation included:

- A five-member board with three 911 and two CMRS industry representatives.
- The fund created by collection of the fee will be divided in the following manner: 56 percent to PSAPs for their expenses in connection with implementing Phase 1 wireless E911 service; 44 percent into a pool to be used to reimburse CMRS carriers for their expenses in implementing Phase 1 E911 service.
- All reimbursements must be approved by the state board.
- Includes limitation of liability.

ARKANSAS

Phase 1 Implementation Status

None at this time.

Cost Recovery Mechanism

Arkansas has imposed a \$0.50 per month per subscriber E911 surcharge.

Choice of Technology Issues

None at this time.

Other Issues

The Arkansas PSAPs have elected to await Southwestern Bell's implementation of a routing solution. Southwestern Bell has not yet tariffed or implemented its routing solution.

History

The wireless industry and PSAPs began meeting in the fall of 1996 to discuss implementing wireless E911. During the first few weeks of the 1997 legislative session, PSAPs and wireless carriers reached agreement on a statewide fund with a monthly fee of \$.50 per wireless subscriber. A Board consisting of 2 PSAPs, 2 carriers, and the State Auditor was created to administer the fund. The Board held its first meeting in the summer of 1997.

Initial work by the board focused on means of distributing funds to PSAPs. Under the Arkansas legislation, PSAPs were to receive a share of the wireless surcharge based on the number of calls received. Because the PSAPs did not want to rely on self-reporting of these numbers, they sought industry reporting to track call volumes. The development of such tracking programs within wireless switches, however, proved time consuming and expensive. After nearly two years, it was finally agreed that PSAPs would be compensated under a new formula based on population. This methodology was simpler to measure and implement. Legislation was introduced in 1999 to make these changes as well as increase to 2% the amount the Board would retain to cover the costs of its operation.

Wireless carriers are currently prepared to launch Phase I service in Arkansas but no PSAPs have requested service. At least one PSAP has indicated that it would prefer to wait for Southwestern Bell to implement a solution rather than purchase the existing technology offered by the wireless carriers. Once the Southwestern Bell routing solution is in place, the PSAPs apparently intend to require wireless carriers to use this technology to provide wireless E911.

The CMRS Emergency Telephone Services Board currently holds \$2,943,302 for funding Phase I implementation. Although no PSAP has implemented Phase I E911 service, the Board has distributed in excess of 1.5 million dollars to PSAPs.

FLORIDA

Phase 1 Implementation Status

None at this time.

Cost Recovery Mechanism

None at this time.

Choice of Technology Issues

None at this time.

Other Issues

None at this time.

History

The Public Safety Community and the Industry have been in agreement since 1997 on the need for cost recovery legislation. Unfortunately, the political climate did not allow passage until 1999. In both 1997 and 1998, Wireless E911 bills were introduced and quickly held up in Committee as the Governor and Legislature vowed "no new taxes". The Industry was successful in 1998 in passing liability legislation.

In 1999, the Industry and Public Safety Community led a very organized grass roots legislative effort. As a result of this effort the legislature did pass HB 621 in 1999. The specifics of the bill are:

- Statewide wireless surcharge of 50 cents (same as wireline) – 54% of this fee goes to wireless cost recovery.
- CMRS Board
- CMRS Fund with cost recovery
- Support for rural deployment of basic 911

It is expected that the board will be operational in the fall of 99 with Phase I implementation beginning in early 2000.

GEORGIA

Phase 1 Implementation Status

Phase 1 service is now available or in the process of implementation in numerous PSAPs throughout the state.

Cost Recovery Mechanism

State legislation implemented 7/1/98 allowed for Georgia PSAP authorities to collect E911 surcharges of up to \$1.00 from wireless customers, with \$0.30 of every dollar to be used for reimbursement of carrier Phase I costs.

Choice of Technology Issues

None at this time.

Other Issues

None at this time.

History

In 1998, the Georgia Legislature passed enabling legislation that authorized local governing authorities that operate a PSAP or contract to operate a PSAP to pass ordinances imposing a wireless E911 fee of up to \$1. It was not possible to pass a statewide fee and establish a statewide board because of the requirements of the State Constitution. The state law also requires that such ordinances cannot take effect until 120 days after their effective date. A local PSAP has 18 months from the effective date of the E911 fee to implement wireless E911 service. On or after October 1, 2001, local governing authorities may increase the fee equal to the 911 fee on local exchange customers, currently set at \$1.50.

To date, most the approximately 126 local jurisdictions with PSAPs, have passed ordinances.

- 30 cents of every \$1 collected must be deposited by each PSAP in a restricted account, which is to be used to reimburse CMRS providers for to pay for the nonrecurring and recurring installation, maintenance, service, and network charges associated with providing Phase I of wireless E911.
- The remaining amount is to be used by the PSAP for their general statutory obligations.

INDIANA

Phase 1 Implementation Status

Phase 1 service is now available or in the process of implementation in numerous PSAPs throughout the state.

Cost Recovery Mechanism

Indiana has enacted a \$0.65 per month per subscriber E911 surcharge, a minimum of \$0.25 of which is to be used to reimburse carriers for E911 costs.

Choice of Technology Issues

None at this time.

Other Issues

Although the cost of connection to a selective router has traditionally been less than \$1,000, Ameritech has filed a tariff imposing a charge in excess of \$13,000 per carrier for connection to each of its three routers.

Additionally, as described below in the history section, several carriers have been refused full reimbursement of their Phase I costs due to an interpretation, opposed by carriers, of Indiana's 125% carrier cost reimbursement cap.

History

The wireless industry and the public safety community, after lengthy negotiations, agreed to compromise wireless E911 legislation that passed the General Assembly and was signed into law on 3/13/98 in advance of the Phase I implementation deadline. The law provides for a Wireless Enhanced 911 Advisory Board, imposes an initial fee of \$.65, creates a wireless emergency telephone fund, provides for CMRS cost recovery, and gives funds to PSAPs providing wireless E911.

The Board is made up of eleven members, five CMRS, five from the public safety community, and it is chaired by the state Treasurer who may vote only to break a tie. The Board has the ability to raise or lower the fee once a year, but it cannot be raised more than \$.07 at one time, and the fee cannot exceed \$1.00.

The initial fee of \$.65 was imposed on 5/1/98. CMRS providers may keep two percent (2%) of the fee for administrative costs. Three percent (3%) is to be escrowed for Phase II. At least \$.25 of the fee must be held in the fund to reimburse CMRS providers for the actual costs of complying with the 911 requirements of the FCC Order. Two percent (2%) covers Board expenses. The money remaining in the fund is held for monthly distributions beginning 9/1/99 to eligible PSAPs that provide wireless E911 service. There are requirements in the law that govern the use of the money by PSAPs. A CMRS provider may recover all of its cost of implementing wireless E911 from the fund. The Board must approve the plan before the CMRS provider may recover costs. The Board may not approve an invoice if payment of the invoice would result in payment of more than one hundred twenty-five (125%) of the total amount contributed to the fund by a CMRS provider, unless the Board approved the cost before it was incurred by the CMRS provider.

The Board met for the first time on 7/28/98. At its 8/17/98 meeting, the Board approved the CMRS Provider Remittance Form and the CMRS Carrier Cost Recovery Instructions. A Chair and two members were appointed to the Cost Recovery Subcommittee. The Subcommittee recommended and the Board approved cost recovery in the amount of \$.25 per subscriber per month for a number of carriers at its 9/29/98, 11/4/98, and 1/26/99 meetings.

Some carriers that were approved for \$.25 had asked the Subcommittee to approve higher costs. The subcommittee chair on the advice of counsel issued letters that said, "the Board only approved 25 cents per subscriber as outlined in the Indiana Legislation. We are unable to approve any additional funding at this time. The maximum the board would be able to approve is 31 cents per subscriber per month". Several CMRS providers opposed this position. It is their position that the 125% cap applied to the full amount per subscriber per month contributed to the fund which was \$.61 and that the 125% cap could be exceeded with prior approval of the Board.

While some CMRS providers have differences with the Subcommittee, all providers, the Board and the Subcommittee have been working together to implement wireless E911 in the state. The first CMRS carrier began providing wireless E911 service in Ft. Wayne on 3/31/98. All carriers which costs have been approved are now providing wireless E911 in the state or are in the process of implementation. All carriers that are providing E911 service are being reimbursed for their costs.

The Cost Recovery Subcommittee requested all CMRS providers to meet individually with the Subcommittee June 23 - 25 to discuss "true costs" and other issues. During those meetings the Subcommittee backed away from its position of a \$.31 cap. The Subcommittee intends to review all CMRS provider costs at meetings on 8/11, 12, & 13/99 and present a comprehensive plan and recommendations to the Board at its meeting on 8/24/99.

KENTUCKY

Phase I Implementation Status

None at this time.

Cost Recovery Mechanism

Kentucky imposes a \$.70 per month per subscriber E911 surcharge, with 50% of the funds to be used for PSAP expenses and 50% to reimburse CMRS providers for Phase I expenses.

Choice of Technology Issues

None at this time.

Other Issues

None at this time.

History

The Kentucky legislature meets every two years, and FCC 96-264 was issued far too late for consideration in the 1996 session. However, prior to the 1998 legislative session, Wireless Industry and Public Safety representatives jointly addressed wireless 911 and the requirements of the order. Legislation was crafted and introduced in 1998, passing without serious opposition. It had the following major provisions:

- An eight-member state board includes a LEC representative, municipal and PSAP employees, and three members of the wireless community.
- Fee is set at 70¢, half to the PSAPs and half to reimburse CMRS providers for Phase I.
- All requests for reimbursement must be approved by the state board.
- Includes limitations on liability.

Appointments to the state board were delayed by six months due to procedural problems, but cost recovery procedures have now been prepared. The annual meeting of the Kentucky NENA chapter on July 8, 1999 includes education programs on Phases I and II, steps to implementation, and instructions on how to secure disbursements from the state fund. Phase I deployments are expected to increase rapidly in fall of 1999.

LOUISIANA

Phase 1 Implementation Status

Phase I service has been implemented in one parish in Louisiana by some carriers.

Cost Recovery Mechanism

Louisiana collects, on a parish by parish basis, \$0.85 per month per wireless subscriber.

Choice of Technology Issues

None at this time.

Other Issues

All parishes with a population of 30,000 and over will implement Phase I within 12 months of surcharge initiation, while all parishes of 20,000 or more will implement within 18 months.

History

The wireless industry and the Public Safety Community independently pursued Wireless E911 legislation until 1999. Prior to 1998 the Public Safety Community tried to pass legislation that included a surcharge on wireless customers. The surcharge would contribute to the overall cost of E911 but did not include any specific support for Wireless E911, or FCC Order 94-102. Most of these proposals did not pass. In 1998, the wireless industry lobbied for Statewide Oversight and one statewide rate, while the Public Safety Community lobbied to maintain local jurisdiction. The Public Safety Community did acknowledge FCC Order 94-102, but was unsure of the impact it had on Louisiana. There was also a view by many of the PSAPs that cost recovery was incremental to any other contemplated surcharge. The industry and Public Safety Community continued to meet between throughout 1998 and agreement was reached on most issues. In the 1999 Session, a compromise was reached on all issues. The proposal maintained local jurisdiction and established a statewide rate of eighty-five cents (with the exception of two parishes that had voted on higher rates). HB2102 passed unanimously in June 1999. The highlights of the bill are:

- All Parishes with a population of 30,000 and over will implement Phase I within 12 months of the effective date.
- All Parishes of 20,000 or more will implement within 18 months.
- Immunity is included.
- Cost recovery is included on a Parish by Parish basis.
- No Statewide board.

The industry is expecting Phase I requests to increase rapidly in the fall of 1999. Many of the 35 parishes with populations over 30,000 should be implemented by summer of 2000.

MISSISSIPPI

Phase I Implementation Status

None at this time.

Cost Recovery Mechanism

Mississippi has imposed a \$1.00 per month per subscriber E911 surcharge, with 30% of surcharge funds dedicated to reimbursement of carrier Phase I costs.

Choice of Technology Issues

None at this time.

Other Issues

None at this time.

History

In 1994, Mississippi passed legislation to impose a fee on wireless subscribers which varied from 80¢ to \$1.00. Between 1995 and 1997 unsuccessful attempts were made to raise the ceiling to \$2.00, with no set aside for Phase I. Prior to the 1998 legislative session, Wireless Industry and Public Safety representatives agreed to a flat, statewide rate with a designated portion to meet the requirements of FCC 94-102. Legislation was introduced in the 1998 session and passed without serious opposition. It has the following major provisions:

- A five-member state board includes three PSAP representatives and two members of the wireless community.
- Fee is set at \$1.00, seventy percent to the PSAPs and thirty percent to reimburse CMRS providers for Phase I.
- All requests for reimbursement must be approved by the state board.
- Includes limitations on liability.

Cost Recovery rules have been published for public comment, to be approved at the July meeting of the state board. Phase I deployments are expected to increase rapidly in fall of 1999.

NORTH CAROLINA

Phase 1 Implementation Status

Phase I has been implemented in parts of North Carolina.

Cost Recovery Mechanism

North Carolina has imposed a \$0.80 per month per subscriber surcharge, sixty percent of which is dedicated to carrier cost recovery.

Choice of Technology Issues

None at this time.

Other Issues

None at this time.

History

Beginning in April 1997, Wireless Industry and Public Safety representatives jointly addressed wireless 911 and the requirements of FCC 94-102. After resolving disagreements regarding the existence and composition of a state oversight board and whether the fee should be imposed county by county or statewide, legislation was crafted and introduced in 1998. Concerns of the trial lawyers and questions regarding the amount were addressed, and the legislation was passed. It has the following major provisions:

- A thirteen-member state board includes a LEC representative, municipal and PSAP employees, and five members of the wireless community.
- Fee is set at 80¢, forty percent to the PSAPs and sixty percent to reimburse CMRS providers for Phase I.
- All requests for reimbursement must be approved by the state board.
- Includes limitations on liability.

Interim Cost Recovery rules are in place. Phase I deployments are expected to increase rapidly in fall of 1999.

TENNESSEE

Phase I Implementation Status

None at this time. However, Phase I deployments are expected to increase rapidly in the fall of 1999.

Cost Recovery Mechanism

Tennessee imposes a \$0.85 per month per subscriber E911 surcharge. However, cost recovery rules have not yet been promulgated.

Choice of Technology Issues

None at this time.

Other Issues

None at this time.

History

The wireless industry and the Public Safety Community independently pursued Wireless E911 legislation until 1998. Prior to that time, the Public Safety Community tried to pass legislation that included a surcharge on wireless customers. The surcharge would contribute to the overall cost of 911 but did not include any specific support for Wireless E911, or FCC Order 94-102. None of the proposals passed until a Legislative Study Committee was formed in 1997 to recommend a course of state action.

In 1998, Senators. Bob Rochelle and Bob Hanes and Representatives. Jerry Hargrove and Kim McMillan brought all parties together to resolve differences. H 3190 and S 3308 were the outcomes with what was probably the most comprehensive rewrite of state laws in the country to date. By statute, a separate funding bill was required in the 1998 session. SJR. 228 by Sen. Rochelle set the initial wireless E9-1-1 rate at \$0.85 which would increase to \$1.00 (for Phase II purposes) once the state's 5 major metropolitan areas had at least one carrier which had rolled out Phase I. The wireless industry and Public Safety Community collaborated on legislative advocacy in both 1998 and 1999 to ensure passage of both bills. The highlights of the initial legislation are:

- Establishes powerful state board of nine members. No wireless industry representation on Board.
- Any rate change must be ratified by the Tennessee General Assembly.
- Carriers must implement rate within sixty days of notification of change from Board.
- Includes cost recovery provisions
- Specifies that 25% of monies collected through fund will be disbursed to Emergency Communications Districts (ECD) based on the proportion of the state population residing within each ECD.
- Tennessee E9-1-1 Board sent letter to carriers dated June 20, 1999 requesting implementation of the 9-1-1 surcharge within 60 days as required by statute.

TEXAS

Phase 1 Implementation Status

Phase 1 service is in the process of implementation for some PSAPs from some carriers. Phase I deployments are expected to increase rapidly in the fall of 1999.

Cost Recovery Mechanism

Texas imposes a \$0.50 per month per subscriber surcharge. However, carrier cost recovery is contingent upon direct contractual negotiations with county PSAPs.

Choice of Technology Issues

Carriers and PSAPs have faced extensive disagreements regarding technology choice issues in Texas.

Other Issues

Contract negotiation issues, PSAP refusals to accept national carrier pricing, and individual cost disputes have also impacted Phase I deployment in Texas.

History

In Texas, 22 Council of Governments have 9-1-1 responsibility overseen by the Advisory Commission on State Emergency Communications. Home rule cities (those with over 250,000 in population) are not covered by ACSEC decisions.

The wireless industry and the Public Safety Community independently pursued Wireless E911 legislation separately until 1997 (Texas Legislature meets every 2-years). Prior to that time, the Public Safety Community tried to pass legislation that included a surcharge on wireless customers. The surcharge would contribute to the overall cost of 911 but did not include any specific support for Wireless E911, or FCC Order 94-102. In 1997, the two-stakeholders met jointly to develop a compromise.

The Texas legislature passed its E-911 cost recovery bill in 1997 with the rate becoming effective on September 1. Since then, approximately \$40 million has been raised by the surcharge. There was an independent effort by Dallas/Fort Worth and Houston/Harris County to increase the fee during the 1999 legislative session. There was never any formal discussion with industry over the need for the increase.

As of June 1, 1999, various carriers have been working towards deployment of Phase I in fewer than ten Home Rule Cities in Texas.

Highlights of the initial legislation are:

- Creates \$0.50 fee for wireless users
- Establishes cost recovery at emergency communications district level
- Provides limitation of liability for wireless carriers
- Provides for non-disclosure of proprietary information